

**Michael R. Scolnick, P.C.**

*Attorney at Law*

175 Burrows Lane

Blauvelt, New York 10913

Phone (845)354-9339 Fax (845)365-1506

*"The only foolish question is the one you don't ask."*

August 16, 2007

Hon. Stephen C. Robinson  
U.S. District Court Judge  
U.S. Court House  
300 Quarropas Street  
White Plains, NY 10601

Re: Monroe v (John "Bam-Bam" Doe) a/k/a JODOIN  
Docket No. 07 CIV 4100 (SCR) (GAY)

Dear Judge Robinson:

The above matter was placed in suit recently against the sole defendant, then only known (I thought) as John "Boom-Boom" Doe. When I sent my client a courtesy copy of the filed complaint, he advised me that I had made an error and that the true nickname of the otherwise un-named correction officer was in fact "Bam-Bam."

In order to aid in identifying the correct officer, I immediately filed, as of right, the plaintiff's First Amended Complaint, correcting the nickname.

Thereafter, by information obtained, I learned what I believe is the true name, address, and current assignment of the involved correction officer, to wit, Correction Officer Eric R. Jodoin. As procedures now stand, the First Amended Complaint is filed, and an action has begun, but no one has been served, nor has a request been sent for waiver of service, since I haven't known the name or address of who to serve.

Now that I know the name, I seek to appropriately further amend the complaint in this action, to properly reflect CO Jodoin as the defendant. Having no one to serve, and having already used the one "as of right" amendment, I hereby request, by this letter motion, that the Court grant plaintiff leave to further amend the complaint herein, in accord with the attached proposed Second Amended Complaint.

There, the defendant's true name is inserted in the caption and body, a phrase indicating that his name is unknown has been deleted from paragraph one, and the date at the bottom has been changed. Otherwise it is the same as the First Amended Complaint.

I respectfully request the Court's leave to Amend the caption and the Complaint as set forth.

Page 2  
August 16, 2007

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Thank you for your courtesy in this matter.

Respectfully submitted,

MICHAEL R. SCOLNICK

MRS/hs  
Enclosure